



Federal Communications Commission  
Office of the Secretary

5-20-94

To: M Liebman (15202)

Docket 93-35

Bill Catoy  
632-6410

Bill,  
These should be associated  
w/ PR 93-35  
Betty Woolford

93-35

DOCKET FILE COPY ORIGINAL

APR 26 6 31 AM '94

RECEIVED

MAY 12 1994

**From:** Fishel, Terry (TFISHEL)  
**To:** B5115B2:MLIEBMAN  
**Date:** Thursday, April 21, 1994 12:22 pm  
**Subject:** More waivers of Rule 90.495

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

This follows my April 11, 1994 referral of waivers of Rule 90.495. The original waivers of this rule for MAP Mobile Communications, Inc, MAP Mobile Communications, Inc. and MAP Paging Co., Inc, and Applied Technology Group, Inc. will be sent via interoffice mail to you attention.

I'm also sending the original Petition for an Order to Show Cause why all radio station licensees held or controlled by Nextel Communicaitons, Inc. should not be revoked to your attention. This relates to the Opposition of Nextel's foreign ownership petition filed on behalf of Kevin Lausman by Brown and Schwaninger. Please keep us apprised in this matter.

Have a great vacation!

Fishel

**CC:** B5115B2:RALLEN

MAY 20 3 44 PM '94

No. of Copies rec'd 0  
List ABCDE

Approved by OMB  
3060-0440  
Expires 2/28/96

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FCC/MILLON MAR 29 1994

FOR  
FCC  
USE

03-31-94 8300423 003

Please read instructions on back of this form before completing it. Section I must be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

Applied Technology Group, Inc.

MAILING ADDRESS (Line 1) (Maximum 85 characters - refer to Instruction (2) on reverse of form)

P.O. Box 6188

MAILING ADDRESS (Line 2) (if required) (Maximum 85 characters)

CITY

Bakersfield

STATE OR COUNTRY (if foreign address)

CA

ZIP CODE

93386-6188

CALL SIGN

WPBY884

WPDF904

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)											
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY										
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105.00													

**SECTION II**

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)										
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.												
<table border="1"><tr><td>TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING</td></tr><tr><td>\$</td><td></td></tr></table>			TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING	\$		<table border="1"><tr><td>FOR FCC USE ONLY</td></tr><tr><td>315.00</td></tr></table>	FOR FCC USE ONLY	315.00				
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FOR FCC USE ONLY												
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## INSTRUCTIONS FOR COMPLETING FCC FORM 155, FEE PROCESSING FORM

- (1) **"Applicant Name"** - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
- (2) **"Mailing Address (Line 1)"** - Enter the street address or post office box number to which the applicant wishes correspondence sent.
- (3) **"Mailing Address (Line 2)"** - This line may be used for further identification of the address if additional space is required.
- (4) **"City"** - Enter the name of the city associated with the given street address.
- (5) **"State or Country"** - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
- (6) **"ZIP Code"** - Enter the appropriate five or nine-digit ZIP Code prescribed by the U.S. Postal Service.
- (7) **"Call Sign or Other FCC Identifier"** - Enter the applicable call or unique FCC identifier, if any, as shown on your attached application or filing. If applying for a service affecting more than one call sign, enter one call sign only.
- (8) **Column (A), "Fee Type Code"** - Enter correct Fee Type Code(s) from the appropriate Fee Filing Guide. Only one Fee Processing Form may be submitted per application or filing. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
- (9) **Column (B), "Fee Multiple"** - Certain applications and filings may request action with respect to more than one station, license, frequency, or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Examples of when this would be used are renewing more than one call sign, frequency, station, or the transfer of control of more than one station. Refer to the appropriate Fee Filing Guide for additional information.
- (10) **Column (C), "Fee Due for Fee Type Code in Column (A)"** - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (X) the fee multiple, if required).
- (11) **"Total Amount Remitted With This Application or Filing"** - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

### HOW TO SUBMIT APPLICATIONS AND FILINGS

o Each application or filing should be assembled with the Fee Processing Form, FCC Form 155, stapled to the top of the application with the check placed on top of the Fee Processing Form. **DO NOT STAPLE THE CHECK TO THE APPLICATION OR FEE PROCESSING FORM, FCC FORM 155.** Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. **"Stamp and receipt" copies should be placed on top of the original package and CLEARLY identified as return copies.** Extraneous material and extra copies should be avoided at all times. Failure to follow these instructions will delay the processing of your submission.

o Completed applications or filings should be mailed to the proper address shown in the Fee Filing Guide for the particular service for which you are applying or making a filing. **All applications and filings must be properly addressed to the appropriate P.O. box number,** even if hand delivered to the address listed below. Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day.

o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.

o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. **Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.**

### REMEMBER

o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.

o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that FEE TYPE CODES are correct and that your check or money order equals the amount shown in the TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING block before submitting your application or filing.

o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

### FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission, for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0440), Washington, DC 20503.

### THIS ADDRESS IS FOR HAND CARRY OR COURIER DELIVERY ONLY:

Federal Communications Commission  
c/o Mellon Bank  
Three Mellon Bank Center  
525 William Penn Way  
27th Floor, Room 153-2713  
Pittsburgh, Pennsylvania 15259-0001  
(Attention: Wholesale Lockbox Shift Supervisor)

Request number.....: 940000206                    added 3/14/1994  
Applicant name.....: Applied Technology Group, Inc.

addr line 1...: 4440 Easton Dr.  
city/st/ZIP...: Bakersfield CA 93309  
telephone.....: 805-322-8650

Contact name.....: George Gillam  
telephone.....: 805-322-8650  
fax.....: 805-322-4060

Request type.....: W (Waiver)  
Specific frequency.....: 929.83750

Description line 1.....: Waiver/local - Kern County, CA

Per Rule Section 90.175(c), NABER has reviewed the attached 929 MHz  
Exclusivity request. NABER research indicates that the proposed system  
requires a waiver of Section 90.495.

The following list of transmitter stations has been evaluated by NABER as  
not meeting the criteria of Section 90.495. With this document and the  
applicant's Petition for Waiver, NABER is forwarding the attached  
exclusivity request to the Federal Communications Commission for final  
determination.

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=====
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Control #	Stn #	Call Sign	Site Name	St	Abv A
-----	-----	-----	-----	--	-----
931890016	1	WPBY884	BAKERSFIELD	CA	
931890016	2	WPBY884	MARICOPA	CA	
931890016	3	WPBY884	BAKERSFIELD	CA	
931890016	4	WPBY884	TEHACHAPI	CA	
931890016	5	WPBY884	EXETER	CA	
931890016	6	WPBY884	BAKERSFIELD	CA	
931890017	1	WPDF904	TEHACHAPI	CA	

7 sites listed above

940000206

**929 MHZ EXCLUSIVITY REQUEST**

NABER will be the acting frequency coordinator for 929 MHz Exclusivity requests. Recent action in PR Docket 93-35 will require that eligible entities file a formal request for exclusivity via NABER to the Commission's Licensing Division. This form is designed as a guide for preparation of such filings. Please answer each of the following questions in detail. If additional pages are required, or if separate format is used, please be sure to enclose this NABER form on top of your filing.

**APPLICANT INFORMATION:**Name Applied Technology Group, Inc.Address 4440 Easton DrCity/State/Zip Bakersfield CA 93309Telephone 805 322-8650**CONTACT TO BE REACHED  
REGARDING THIS FILING:**Name George GillinghamTelephone 805 322-8650Fax 805 322-4060**TYPE OF EXCLUSIVITY REQUEST:**

Type:

Specific Frequency:

☐ Nationwide☐ Regional☒ Local929.8375

ON A SEPARATE SHEET OF PAPER,  
PLEASE PROVIDE A LIST OF  
ASSOCIATED ENTITIES  
(NAME/ADDRESS/PHONE) THAT  
HAVE LICENSES OR HAVE FILED  
APPLICATIONS REFERENCED IN  
THIS EXCLUSIVITY REQUEST.

If this is a regional or local exclusivity request, please provide a description of area to be serviced:

Kern County California

Please fill in the following information in the table provided:

1. A list of existing call signs.
2. If applications are pending at FCC, and were filed prior to October 14, 1993, provide FCC File Numbers.
3. A list of call signs of stations that have not been made operational.
4. If available, provide NABER control numbers.
5. A list of transmitters that have more than one 929 MHz frequency (licensed/pending) operated by the above entity(ies) identified above.
6. Use additional page provided if necessary.

CALL SIGN/FILE #	NABER CTRL #	SITE NAME	OPERATIONAL?	ADD'L FREQ.
WPBY884	931890016	EASTON	yes	none
"	"	Pelato Peak	60 days	"
"	"	Mebane Peak	30 days on hand	"
"	"	Bear Mt	90 days	"
"	"	Blue Ridge	60 day	"
"	"	New STINE / Rosewood	60 days	"

PLEASE RESPOND TO ALL QUESTIONS, AND SEND COMPLETED REQUEST TO:

NABER, Attn: 929 MHz Exclusivity, 1501 Duke St., Alexandria, VA 22314

NABER will forward the request to the FCC after review.



[illegible]

# **BROWN AND SCHWANINGER**

LAWYERS

1835 K STREET, N.W.

SUITE 650

WASHINGTON, D.C. 20006

DENNIS C. BROWN  
ROBERT H. SCHWANINGER, JR.  
KATHLEEN A. KAERCHER†  
† NOT ADMITTED IN D.C.

(202) 223-8837

GETTYSBURG OFFICE  
1270 FAIRFIELD ROAD, SUITE 16  
GETTYSBURG, PENNSYLVANIA 17325

March 1, 1994

Federal Communications Commission  
Gettysburg, Pennsylvania 17325

Re: Request for Rule Waiver

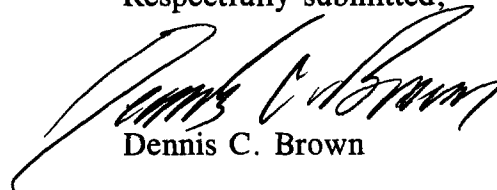
Gentlemen:

We represent the radio system interests of Applied Technology Group, Inc. before the Federal Communications Commission. On behalf of Applied Technology Group, Inc., we are submitting herewith its request for waiver of Section 90.495(a)(1)(i) of the Commission's rules to permit Applied Technology Group, Inc. to be granted exclusive use of Private Carrier Paging frequency 929.8375 MHz in Bakersfield, California.

In payment of the Commission's application filing fee, we have attached hereto the check of Applied Technology Group, Inc. in the amount of \$315, made payable to the order of the Commission.

In accord with Section 1.12 of the Commission's Rules, please direct any communication concerning this application to our office. If any communication is made directly to the Applicant, please supply us with a copy of the communication. When the application is processed to grant, please supply us with a copy of the Commission's action.

Respectfully submitted,



Dennis C. Brown



**APPLIED TECHNOLOGY GROUP, INC**  
**P.O. Box 6188**  
**Bakersfield, California 93386-6188**

Federal Communications Commission  
Gettysburg, Pennsylvania 17325

Re: Request for Rule Waiver

Gentlemen:

Applied Technology Group, Inc. (Applied) respectfully requests waiver of Section 90.495(a)(1)(i) of the Commission's Rules to permit Applied to be granted exclusive use of Private Carrier Paging frequency 929.8375 MHz in the Bakersfield, California, area. In support of its request, Applied shows the following.

Applied is licensee of Private Carrier Paging stations WPBY884 and WPDF904, and has filed a timely application with NABER for three additional sites. These three stations will operate with a total of ten base station sites in the Bakersfield area. As shown by the attached computer generated plot, the coverage area of each of the ten stations will be contiguous with the coverage area of other stations of the group. All of the stations will operate in a simulcast mode. However, three of the base station sites are more than 25 miles from the nearest other station of the group.

Because each of the three stations at issue is at a high site, the coverage plot attached hereto shows that there is no need for any intermediate base station to assure that the outlying stations will provide contiguous system coverage. Analysis of the location of each of the three stations which are issue shows that there is no intermediate site available at which Applied could locate a base station for purposes of complying with Rule Section 90.495(a)(1)(i).

The site at Blue Ridge, near Exeter, authorized under the license for station WPBY884, is 47 miles from Lake Isabella, the site of the nearest system station. However, the intervening area is within a national forest, within which there is no suitable radio communications site available. Any station which could conceivably be authorized merely to comply with the geographic separation requirement for the Blue Ridge station would be of no commercial utility and the cost of constructing and operating such a station, if such a station were possible, would be a total waste.

The site at Pelato Peak, near Maricopa, authorized under the license for station WPBY884, is 35 miles from the nearest station on New Stine Road, at Bakersfield, and 37 miles from the nearest station at Bear Mountain. Along either path, there is no intermediate site at which an additional base station could be constructed to provide compliance with the

rule which specifies a maximum mileage separation. There is insufficient population in the vicinity of the midpoint of either path to justify the installation of an additional station, even if there were a technically practicable site available.

The site at Ridgecrest, requested by the currently pending application, is 43 miles from the nearest station at Lake Isabella. The Sequoia National Forest lies between the two points and there is no communications site available in the vicinity of the midpoint of the path. Not only is no site available, but if there were a site available, there would be no commercial utility to the operation of a station in the vicinity of the midpoint of the path.

Applied's principals have been engaged in the radio communications business for four decades in Bakersfield and are willing to make the investments necessary to continue their long history of progress in the field. In fairness to the extraordinary investment required to construct a 929 MHz band paging system, Applied should be protected against the potential for an interloper to move against the three outlying stations which are integral parts of its simulcast system.

Because Applied's system operates on a simulcast basis, its communications throughput would suffer badly if Applied were required to share the channel with another operator with respect to the three base stations which are at issue. For Applied to share the channel cooperatively with another operator at those three stations would require Applied to have a means of transporting back to its terminal a signal that the channel was busy and would require Applied to delay the transmission of pages through all of its stations to accommodate channel sharing by any one of the three outlying stations. Such delays could destroy the financial viability of Applied's entire system.

While the Commission's rule requiring a maximum separation of 25 miles between stations is entirely reasonable under the routine conditions of gently rolling terrain, the Central Valley of California has such extraordinary terrain that the rule cannot be reasonably applied to all circumstances in the Central Valley. As explained above, not only are sites separated by no more than 25 miles not necessary to providing a continuous, contiguous area of service, but installation of superfluous stations would be economically impracticable. Further, operation of superfluous stations would result in an unnecessarily high power flux density over much of Applied's operating area.

For all the foregoing reasons, Applied respectfully requests waiver of Rule Section 90.495(a)(1)(i) to permit the three above described base stations to be granted exclusivity as part of Applied's multi-site system.

Respectfully submitted,  
APPLIED TECHNOLOGY GROUP, INC.

George L. Hllam  
Authorized employee

Dated: 2/25/94

FREQUENCY	SV	TYPE	LATITUDE	LONGITUDE	CALLSIGN	POWER	E.R.P.	ANT.	ELEV.
929.83750	GS	PAGE	35-22-13 N	119-03-05 W	NPBY884	100	316	80	400
929.83750	GS	PAGE	34-55-11 N	119-24-16 W	NPBY884	100	316	50	4488
929.83750	GS	PAGE	35-30-57 N	118-43-00 W	NPBY884	40	160	40	4481
929.83750	GS	PAGE	35-12-18 N	118-38-14 W	NPBY884	40	75	25	5700
929.83750	GS	PAGE	35-20-34 N	119-03-40 W	NPBY884	100	316	90	380
929.83750	GS	PAGE	35-02-46 N	118-27-35 W	WPDF904	40	77	14	7439
929.83750	GS	PAGE	35-25-47 N	118-44-56 W	PEND	150	481	35	3408
929.83750	GS	PAGE	35-41-18 N	118-25-10 W	PEND	100	320	50	3530
929.83750	GS	PAGE	35-28-39 N	117-41-57 W	PEND	100	320	60	4369
929.83750	GS	PAGE	35-20-34 N	119-03-40 W	NPBY884	100	316	90	380

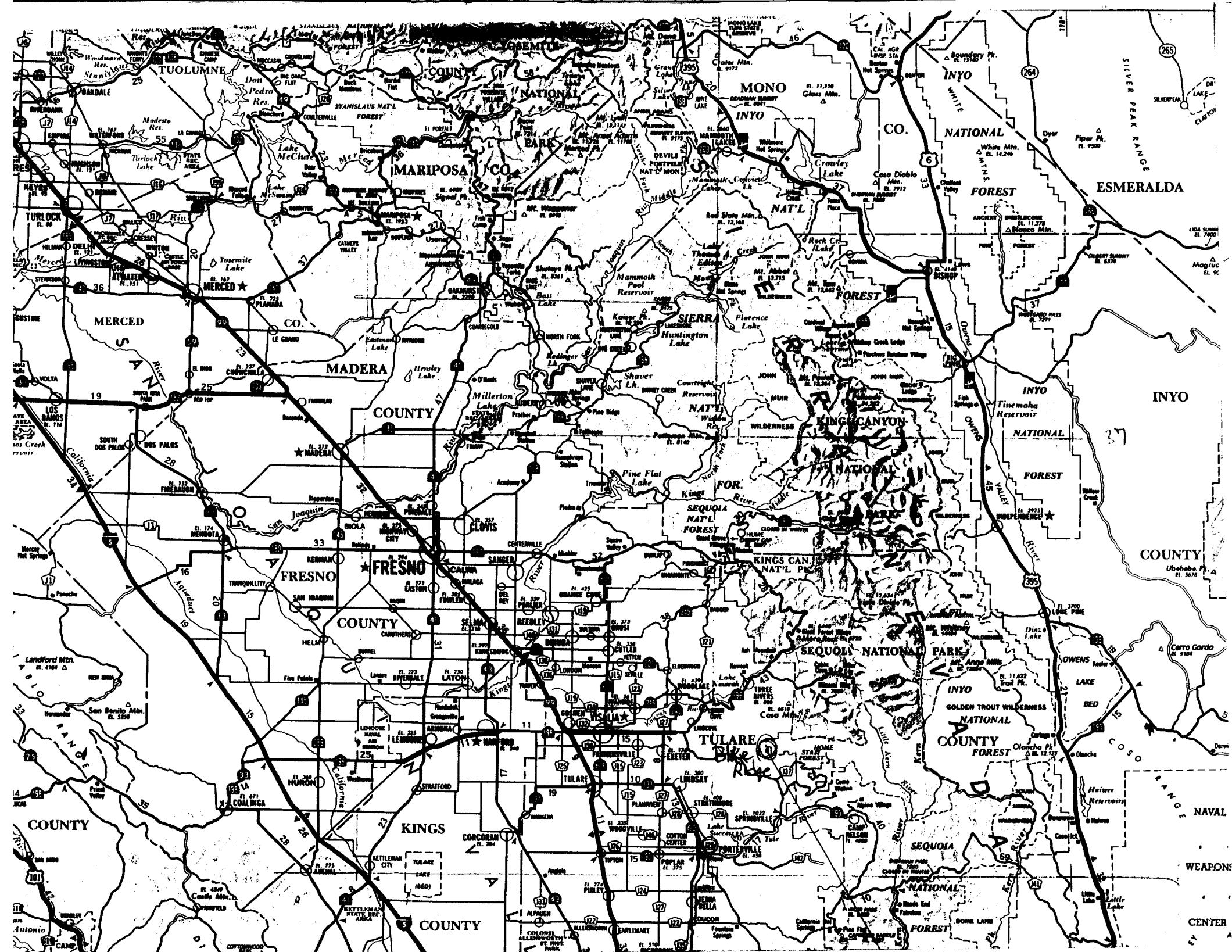
↑↓→ To Move

F10 Save F1 Delete F2 Insert ESC To Quit











04/14/94

FOR ZIP CODE = NONE  
OR  
FOR FILE NUMBER = NONE  
OR  
FOR CALL SIGN = WPBY884

THE FOLLOWING CORRESPONDENCE HAS BEEN RECEIVED :

Record#	NAME	WHO DRAFT	COMPLETE
Record#	NAME	WHO DRAFT	COMPLETE

THE FOLLOWING WAIVER HAS BEEN INITIATED :

Record#	NAME	WHO DRAFT	COMPLETE
Record#	NAME	WHO DRAFT	COMPLETE

THE FOLLOWING LETTERS HAVE BEEN INITIATED :

Record#	LOGNUM DRAFT	NAME	ZIP	PURPOSE	FILENUM CALSGN	W
Record#	LOGNUM NAME	PURPOSE	DRAFT	WHO LTRSENT		

J O Y C E



J A C O B S

ATTORNEYS AT LAW

April 21, 1994

**via Hand Delivery**

Edward R. Jacobs, Acting Chief  
Land Mobile and Microwave Division  
Private Radio Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Re: **Greenline Partners, Inc.**  
**Clarity Medical Corporation**  
**Request for Rule Waiver**

Dear Mr. Jacobs:

Transmitted herewith, on behalf of Greenline Partners, Inc. and its affiliated entity, Clarity Medical Corporation, please find the original and four (4) copies of its Request for Rule Waiver, seeking a temporary waiver of the 300 transmitter requirement for nationwide exclusivity in the 929 MHz frequency band, 47 C.F.R. § 90.495(a)(3).

NABER has previously coordinated and filed with the FCC the 929 MHz applications referenced in the enclosed waiver request; many of those applications have been granted by the FCC; and many of those stations are constructed and operating. Additionally, NABER has approved and forwarded Clarity's request for nationwide exclusivity on the 929.6875 MHz frequency, subject to the FCC's determination with regard to this waiver request.

If you have any questions or require additional information concerning this matter, kindly contact the undersigned.

Sincerely,

  
Frederick M. Joyce

FMJ/id  
enc.

211 N. Union Street, Suite 100  
Alexandria, VA 22314

Main Office  
2300 M Street, NW, Suite 130  
Washington, DC 20037

202-457-0100  
Fax 202-457-0186

Chevy Chase Metro Building  
Two Wisconsin Circle, Seventh Floor  
Chevy Chase, MD 20815

APR 21 3 36 PM '94

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)  
Clarity Medical Corporation

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

c/o Frederick M. Joyce, Esq.

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

2300 M St., NW, Suite 130

CITY

Washington

STATE OR COUNTRY (if foreign address)  
DC

ZIP CODE  
20037

CALL SIGN  
WPCE359, et al.

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

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\$ 105.00												

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the matter of: )

Application of Greenline Partners, Inc. )  
for exclusive use of 929 )  
MHz Private Carrier Paging facilities )  
at various locations in the U.S. )

File No. \_\_\_\_\_

To: Chief, Land Mobile & Microwave Division

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**REQUEST FOR RULE WAIVER**

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Christine McLaughlin

Its Counsel

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April 21, 1994

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**SUMMARY**

Greenline Partners, Inc. and its affiliated entity, Clarity Medical Corporation, request a temporary waiver of the 300 transmitter requirement of 47 C.F.R. § 90.495, so that they may obtain nationwide exclusivity on one of Greenline's 929 MHz PCP channels for the LabAlert Medical Data Channel.

LabAlert is a unique service developed by Clarity, which provides signalling and data services to health care providers. With LabAlert, health care providers can receive up-to-the-minute patient information from medical labs on a variety of receive devices, and can download that data to any PC. Because LabAlert provides time-critical medical information, this service cannot risk the interference inherent in shared-channel operations.

Clarity has submitted a request for nationwide exclusivity on one of Greenline's PCP channels; however, a waiver is necessary because Clarity and Greenline do not currently meet the 300 transmitter requirement. LabAlert service requires great precision in the placement of transmitters, generally at or near a subscribing hospital; any lapses in coverage may result in the loss of emergency medical data. Because LabAlert transmitters cannot be placed just anywhere, Clarity cannot know in advance where its sites will be located; hence, it would be difficult for Clarity to apply for or construct multiple transmitters at any one time.

Consequently, Clarity requests a three-year waiver of the 300 transmitter Rule, similar to the FCC's "slow growth" Rule, to allow it to develop this vital medical communications service.

In the matter of:

File No. \_\_\_\_\_

<sup>1</sup> To the extent necessary, Greenline and Clarity also request a waiver of the current 47 C.F.R. § 90.496(a), which limits the use of extended implementation schedules to new licensees.

frequencies currently licensed to Greenline Partners, the 929.6875 MHz appears to be the most "open" frequency nationwide, and is the frequency for which Greenline filed an exclusivity request. Nevertheless, as explained herein, Greenline would be willing to accept any 929 MHz frequency of the FCC's choosing, so long as it could be designated as exclusive for Clarity's LabAlert services).

As the ensuing discussion explains, because of the importance to the public and the unique nature of the LabAlert medical services that Clarity will be providing on this PCP frequency nationwide, a grant of this waiver request would be in the public's interest.

I. Explanation of Clarity's Service

Clarity is in the midst of testing and deploying a unique wireless communications network called the LabAlert Medical Data Channel ("LabAlert"). This service will be provided over the 929 MHz private carrier paging facilities that are licensed to Clarity's affiliated entity, Greenline.<sup>2</sup> This PCP network will be used to distribute medical information to health care providers,

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<sup>2</sup> Attached hereto as Exhibit One is a listing of the applicable PCP station call signs. Greenline is actually licensed on five different 929 MHz frequencies, because it was unable to find one frequency that was "clear" nationwide (they are: 929.2375, 929.2625, 929.6875, 929.7375, 929.7875). The 929.6875 frequency appears to be the least used of these frequencies; however, it appears that fewer entities have requested exclusivity on the 929.2375 MHz frequency. If the FCC believes that the 929.2375 MHz frequency, or any other 929 MHz frequency, would be more suitable for the LabAlert service, Clarity would certainly amend its pending exclusivity request to specify operation on that other frequency. The key point, as explained herein, is that it is not technically or economically viable for the LabAlert system to use multiple, shared frequencies.



from clinical laboratories. Clarity has already devoted considerable time, energy, and money into the development of the LabAlert service. It is a service that is operational, and its unique public interest benefits warrant special attention under Part 90 of the Rules.

**Specific Objectives.**

In introducing the LabAlert service to the medical community, along with its attendant wireless capabilities, Clarity designed and implemented a unique system of data delivery and retrieval that utilizes the most advanced technologies available; several components of this system were developed by Clarity, and are the subject of pending patent applications. With the unique design of the LabAlert service, and through tying the users of this network together, hospitals, remote physician's offices and clinical labs, health care providers can now receive time-critical information from multiple labs in a considerably expedited manner. As a result, with both timely precision and accuracy, the LabAlert service will streamline the flow of medical information as it dispatches lab data to physicians and health care providers in or away from the hospital.

The benefits to medical service providers, and to patients, from the LabAlert service are obvious the minute the service is described to them. For the first time, critical patient data is available to physicians the moment it becomes available from the lab. In addition to the speed with which LabAlert makes medical data available, the system is also capable of prioritizing that